IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.22618-M of 2006
Date of Decision:- 05.03.2007

Rameshwar Dass ....Petitioner(s)

through
Mr.L.S.Sidhu, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is to entrust the investigation of F.I.R. No.84 dated 7.3.2006 under Section 304-A, 120-B, 201 IPC registered at Police Station, Maur, District Bathinda, to some independent agency.

The facts may be briefly noticed.

The daughter of the petitioner, namely, Rajni was married to Krishan Kumar son of Jagan Nath on 16.11.1987. Two sons, namely, Prince and Ravinder Kumar were born out of the said wedlock. Prince was born on 16.11.1988 while the younger son, namely, Ravinder Kumar @ Ravi was born in the year 1990.

Unfortunately, on the night intervening 31.10/1.11.2005, the daughter of the petitioner, namely, Rajni had an unnatural death.

The petitioner alleges that his daughter has been murdered by her husband, who used to suspect her of having illicit relations with one Prem Kumar son of Rangi Ram as the husband of his daughter had also filed a petition for dissolution of marriage in the year 1999-2000 on that very ground. A copy of the said petition has also been appended as Annexure P-1.

On the other hand, the plea taken by the respondent-Police authorities is that five different enquiries have been conducted into the allegations made by the petitioner and in all of them, it has been found that the cause of death of Rajni was the injuries allegedly suffered by her in a vehicular accident. It is averred that the husband of the petitioner's daughter had purchased a second hand maruti car and since he did not know how to drive, a driver, namely, Kala Khan was also employed by him. It is further alleged that on the date of occurrence the daughter of the petitioner along with her husband was going to the later's ancestral village and Kala Khan was driving the car. While the petitioner's daughter Rajni was sitting on the front seat, her husband was sitting on the rear seat, ahead of Bus Stand of village Ramnaga, where there is a turn on the road, a truck came from the side of Maur Mandi. The said truck did not give any side and since the car was being driven at a high speed, its driver Kala Khan lost control and took turn towards the ditches and struck against a Shisham tree, as a result of which Rajni received severe head injuries whereas her husband (Krishan Kumar) and the driver escaped with minor injuries only.

However, in the above-mentioned enquiry reports, it has also come up that injured Rajni was taken to some private hospital where she succumbed to her injuries but neither any post-mortem examination of her

dead body was conducted nor the accident was reported to the police. On the strength of the above-stated enquiry reports, the present FIR, namely, F.I.R.No.84 dated 7.3.2006 under Sections 304-A, 120-B and 201 IPC stands registered by the police.

On the other hand relying upon some FSL report, the petitioner contends that no accident, as mentioned in the above-stated enquiry/investigation reports ever took place.

After hearing learned counsel for the parties, *prima facie,* it appears that the question which needs to be determined is as to whether the alleged offence falls under Section 304-A or 304 IPC?

As there are some apparent contradictions in one or the other investigation/enquiry reports and the question with regard to the nature of offence allegedly committed in the present case, can be gone into by the Court of Competent Jurisdiction while considering the issue regarding framing of charges, this petition is disposed of with a direction to the respondent-police authorities to include all the enquiry reports as a part of the material to be appended with the final report yet to be submitted under Section 173 Cr.P.C. The F.S.L report, if any, shall also be appended along with the said report under Section 173 Cr.P.C. Thereafter, the learned Court is directed to consider the question regarding the nature of offence allegedly committed in the present case. Needless to say that the petitioner shall be entitled to raise all the contentions raised herein, before the learned trial Court.

Disposed of.

March 05, 2007 **(SURYA KANT)**
poonam **JUDGE**